

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.

11-20586

18 U.S.C. § 1349

18 U.S.C. § 1347

18 U.S.C. § 1957

18 U.S.C. § 2

18 U.S.C. § 982

CR-MARTINEZ

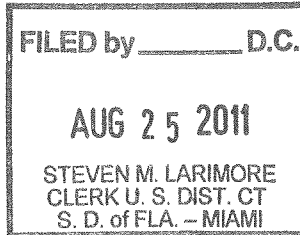
/ McALILEY

UNITED STATES OF AMERICA

vs.

MARATIB HASHMI,

Defendant.



INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

The Medicare Program

1. The Medicare Program ("Medicare") was a federally funded program that provided free or below-cost health care benefits to certain individuals, primarily the elderly, blind, and disabled. The benefits available under Medicare were governed by federal statutes and regulations. The United States Department of Health and Human Services ("HHS"), through its agency, the Centers for Medicare and Medicaid Services ("CMS"), oversaw and administered Medicare. Individuals who received benefits under Medicare were commonly referred to as Medicare "beneficiaries."

2. Medicare was a "health care benefit program," as defined by Title 18, United States

Code, Section 24(b).

3. Part A of the Medicare Program was a medical insurance program that covered, among other things, certain physician and outpatient services that were medically necessary and ordered by licensed medical doctors or other qualified health care providers. Part A of the Medicare Program also covered certain outpatient services, including physical therapy, rehabilitation and occupational therapy (“PT/OT”) services, which were typically administered at Comprehensive Outpatient Rehabilitation Facilities (“CORFs”) or by Outpatient Physical Therapy Providers (“OPTs”). Medicare Part A covered such services so long as they were ordered by a medical doctor or other qualified health care provider, and deemed medically necessary.

Medicare Billing and Payment Procedures

4. A CORF or OPT that sought to participate in Medicare Part A and bill Medicare for the cost of PT/OT services was required to apply for and receive a “supplier number” for Part A of the Medicare Program.

5. For Florida Medicare beneficiaries, Medicare Part A PT/OT benefits were administered by First Coast Service Options (“First Coast”) or Mutual of Omaha (“Mutual”), pursuant to a contract with HHS to receive, process and pay claims. First Coast and Mutual received, adjudicated and paid the claims of authorized PT/OT providers that were seeking reimbursement for the cost of PT/OT services supplied or provided to Medicare beneficiaries.

6. To receive payment from Medicare, a CORF or OPT, using its Part A supplier number, would submit a health insurance claim form known as a CMS-1450. Medicare permitted CORF and OPT companies to submit CMS-1450’s electronically or by way of a paper claim form. Each claim form required certain information, including: (a) the Medicare beneficiary’s name and

Health Insurance Claim Number (“HICN”); (b) the identification number of the doctor or other qualified health care provider who ordered or furnished the health care benefit, item, or service that was the subject of the claim; (c) the health care benefit, item, or service that was provided or supplied to the beneficiary; (d) the billing codes for the benefit, item, or service; and (e) the date upon which the benefit, item, or service was provided or supplied to the beneficiary.

7. Medicare, through First Coast or Mutual, would generally pay a substantial portion of the cost of the related health care benefits, items, and services that were medically necessary and ordered by licensed doctors or other qualified health care providers.

8. Payments under Medicare Part A were often made directly to the CORF or OPT company rather than to the patient/beneficiary. For this to occur, the beneficiary would assign the right of payment to the CORF or OPT company or other health care providers. Once such an assignment took place, the CORF or OPT company would assume the responsibility for submitting claims to, and receiving payments from, Medicare.

L’Image Physical Therapy and Rehabilitation, Inc.

9. L’Image Physical Therapy and Rehabilitation, Inc. (“L’Image”) was a Florida corporation incorporated on or about December 2, 1987, that was located in Miami-Dade County, Florida, purportedly providing PT/OT services to Medicare beneficiaries. L’Image’s place of business was located at 9380 Southwest 72nd Street, Miami, Florida, 33173. On or about March 5, 1998, L’Image applied for a Medicare supplier number. On or about July 28, 2000, Medicare assigned L’Image a supplier number.

10. On or about February 9, 1998, Co-Conspirator A became the president and registered agent of L’Image, and the defendant, **MARATIB HASHMI**, became the vice president of L’Image.

11. On or about January 20, 2010, **MARATIB HASHMI** became the president and registered agent of L'Image and Co-Conspirator B became L'Image's vice president. Co-Conspirator B, however, was removed as L'Image's vice president on or about January 27, 2010.

Treasure Coast Rehabilitation, L.L.C.

12. Treasure Coast Rehabilitation, L.L.C. ("Treasure Coast") was a Florida limited liability company organized on or about February 27, 2003, that was located in Indian River and Miami-Dade Counties, Florida, purportedly providing PT/OT services to Medicare beneficiaries. Treasure Coast's original place of business was located at 118 South Highway One, Vero Beach, Florida, 32962. On or about October 1, 2009, the business relocated to 10240 SW 56th Street, Miami, Florida, 33165.

13. On or about September 14, 2009, Co-Conspirator B was installed as the managing member and registered agent of Treasure Coast.

COUNT 1
Conspiracy to Commit Health Care Fraud
(18 U.S.C. § 1349)

1. Paragraphs 1 through 13 of the General Allegations section of the Indictment are re-alleged and incorporated by reference as though fully set forth herein.

2. From in or around September 2009, and continuing through in or around March 2010, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

MARATIB HASHMI,

did willfully and knowingly combine, conspire, confederate and agree with Maria Ramos, Co-Conspirator A, Co-Conspirator B, and others known and unknown to the Grand Jury, to violate Title 18, United States Code, Section 1347, that is, to execute a scheme and artifice to defraud a health

care benefit program affecting commerce, as defined in Title 18, United States Code, Section 24(b), that is, Medicare, and to obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, said health care benefit program, in connection with the delivery of and payment for health care benefits, items, and services.

PURPOSE OF THE CONSPIRACY

3. It was the purpose of the conspiracy for **MARATIB HASHMI** and his co-conspirators to unlawfully enrich themselves by, among other things: (a) submitting and causing the submission of false and fraudulent claims to Medicare; (b) concealing the submission of false and fraudulent claims to Medicare and the receipt and transfer of fraud proceeds; and (c) diverting fraud proceeds for the personal use and benefit of themselves and others.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the defendant and his co-conspirators sought to accomplish the object and purpose of the conspiracy included, among others, the following:

4. Maria Ramos, the true owner of Treasure Coast, submitted and caused the submission of numerous false and fraudulent claims to Medicare on behalf of Treasure Coast. Ramos paid, and caused the payment of, Medicare beneficiaries to sign paperwork and permit claims to be filed using their Medicare HICNs. Using those Medicare beneficiaries HICNs, Ramos billed Medicare for PT/OT services that were never performed and were not medically necessary.

5. In and around September 2009, Maria Ramos, **MARATIB HASHMI**, Co-Conspirator A, and Co-Conspirator B, agreed to submit numerous false and fraudulent claims for PT/OT services Medicare using L'Image's Medicare supplier number even though no services were,

in fact, rendered at L'Image. The false and fraudulent claims were made using the same beneficiaries' information that Ramos previously used at Treasure Coast.

6. From in or around September 2009, and continuing through in or around March 2010, **MARATIB HASHMI** and his co-conspirators submitted, and caused the submission of, numerous false and fraudulent claims to Medicare on behalf of L'Image, in an approximate amount of \$1,279,550, seeking reimbursement for the cost of PT/OT services that were not medically necessary, prescribed by doctors, nor provided as claimed.

7. As a result of the submission of these false and fraudulent claims, Medicare made payments to L'Image in the approximate amount of at least \$657,992. The majority of those payments were deposited into L'Image's Bank of America Account, account number XXXXXXXXX6498.

8. **MARATIB HASHMI** and Co-Conspirator A paid Maria Ramos 50% of the payments made by Medicare for the claims that Ramos submitted through L'Image using the Treasure Coast beneficiary information.

9. **MARATIB HASHMI** transferred and disbursed, and caused the transfer and disbursement of, the Medicare payments made to L'Image to himself and others.

All in violation of Title 18, United States Code, Section 1349.

COUNTS 2-11
Health Care Fraud
(18 U.S.C. § 1347)

1. Paragraphs 1 through 13 of the General Allegations section of the Indictment are re-alleged and incorporated by reference as though fully set forth herein.

2. From in or around September 2009, and continuing through in or around March 2010, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

MARATIB HASHMI,

in connection with the delivery of and payment for health care benefits, items, and services, did knowingly and willfully execute, and attempt to execute, a scheme and artifice to defraud Medicare, a health care benefit program affecting commerce, as defined by Title 18, United States Code, Section 24(b), and to obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, Medicare, that is, the defendant, through L'Image, submitted false and fraudulent claims to Medicare, seeking reimbursement for the cost of various PT/OT related services.

PURPOSE OF THE SCHEME AND ARTIFICE

3. It was the purpose of the scheme and artifice for the defendant and his accomplices to unlawfully enrich themselves by, among other things: (a) submitting or causing the submission of false and fraudulent claims to Medicare; (b) concealing the submission of false and fraudulent claims to Medicare and the receipt and transfer of fraud proceeds; and (c) diverting fraud proceeds for the personal use and benefit of himself and others.

THE SCHEME AND ARTIFICE

4. Paragraphs 4 through 9 of the Manner and Means section of Count 1 of this Indictment are re-alleged and incorporated as though fully set forth herein as a description of the scheme and artifice.

ACTS IN EXECUTION OR
ATTEMPTED EXECUTION OF THE SCHEME AND ARTIFICE

5. On or about the dates set forth as to each count below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant, **MARATIB HASHMI**, in connection with the delivery of and payment for health care benefits, items, and services, did knowingly and willfully execute, and attempt to execute, the above-described scheme and artifice to defraud a health care benefit program affecting commerce, that is, Medicare, and to obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of said health care benefit program, in that he submitted and caused the submission of false and fraudulent Medicare claims seeking reimbursement for the cost of PT/OT services that were not prescribed by doctors or provided to Medicare beneficiaries as claimed:

Count	Medicare Beneficiary	Medicare Claim Number	Approximate Date of Claim	Product Code; Item Claimed; Approximate Amount
2	M.G.	20928900697105FLA	10/16/2009	97110; Therapeutic Procedure, One or More Areas, Each 15 Minutes; \$35
3	I.W.	20929600690805FLA	10/23/2009	97032; Application of a Modality to One or More Areas Electrical Stimulation; \$35
4	I.W.	20929600690905FLA	10/23/2009	97140; Manual Therapy Techniques; \$35

Count	Medicare Beneficiary	Medicare Claim Number	Approximate Date of Claim	Product Code; Item Claimed; Approximate Amount
5	M.G.	20931700854905FLA	11/13/2009	97535; Self Care/Home Management Training; \$35
6	B.G.	20935100872005FLA	12/17/2009	97032; Application of a Modality to One or More Areas; \$35
7	R.R.	20935100874005FLA	12/17/2009	97035; Application of a Modality to One or More Areas Ultrasound; \$35
8	R.S.	20936201305705FLA	12/28/2009	97110; Therapeutic Procedure, One or More Areas, Each 15 Minutes; \$35
9	R.S.	20936501143005FLA	12/31/2009	97530; Therapeutic Activities, Direct (One on One) Patient Contact; \$35
10	O.M.	21006401051105FLA	03/05/2010	97140; Manual Therapy Techniques; \$60

Count	Medicare Beneficiary	Medicare Claim Number	Approximate Date of Claim	Product Code; Item Claimed; Approximate Amount
11	O.M.	21006401051205FLA	03/05/2010	97530; Therapeutic Activities, Direct (One on One) Patient Contact; \$130

In violation of Title 18, United States Code, Sections 1347 and 2.

COUNTS 12-13
Money Laundering
(18 U.S.C. § 1957)

On or about the dates specified as to each count below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

MARATIB HASHMI,

did knowingly engage and attempt to engage in a monetary transaction, as specified below, affecting interstate commerce, by, through, and to a financial institution, in criminally derived property of a value greater than \$10,000, and such property having been derived from specified unlawful activity:

Count	Date	Monetary Transaction
12	02/09/2010	Deposit of check number 2091 issued from L'Image's Bank of America account (XXXXXXXXX6498) in the amount of \$15,000, made payable to "M. Hashmi"
13	03/28/2010	Negotiation of check number 2166 issued from L'Image's Bank of America account (XXXXXXXXX6498) in the amount of \$12,000, made payable to "M. Hashmi"

It is further alleged that the specified unlawful activity is health care fraud, in violation of Title 18, United States Code, Section 1347.

In violation of Title 18, United States Code, Sections 1957 and 2.

FORFEITURE
(18 U.S.C. § 982)

1. The allegations contained in this Indictment are re-alleged and incorporated by reference as though fully set forth herein for the purpose of alleging forfeiture to the United States of America of certain property in which **MARATIB HASHMI** has an interest.

2. Upon conviction of any violation of Title 18, United States Code, Sections 1347 and 1349 as alleged in Counts 1 through 11 of the Indictment, the defendant, **MARATIB HASHMI**, shall forfeit to the United States any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense pursuant to Title 18, United States Code, Sections 982(a)(7), 981(a)(1)(C), and Title 26, United States Code, Section 2461.

3. Upon conviction of any violation of Title 18, United States Code Sections 1957, as alleged in Counts 12 through 13 of the Indictment, the defendant, **MARATIB HASHMI**, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of such offense.

4. The property subject to forfeiture includes, but is not limited to:

- a. approximately \$657,992, which represents the gross proceeds of the health care fraud; and
- b. approximately \$35,000, which represents the amount of funds involved in the money laundering offenses.

5. If any of the property described above, as a result of any act or omission of

MARATIB HASHMI:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to or deposited with a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

the United States shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as made applicable through Title 18, United States Code, Section 982(b)(1).

All pursuant to Title 18, United States Code, Sections 981(a)(6), 982(a)(1) and 982(a)(7), and Title 28, United States Code, Section 2461, and the procedures outlined in title 21, United States Code, Section 853.

A TRUE BILL

FOREPERSON



WIFREDO A. FERRER
UNITED STATES ATTORNEY



ADAM L. SCHWARTZ
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. _____

vs.

CERTIFICATE OF TRIAL ATTORNEY*

MARATIB HASHMI,

Defendant. /

Superseding Case Information:

Court Division: (Select One)

 X Miami Key West

 FTL WPB FTP

New Defendant(s)

Yes

No

Number of New Defendants

Total number of counts

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.

2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) No
List language and/or dialect

4. This case will take 6 days for the parties to try.

5. Please check appropriate category and type of offense listed below:

(Check only one)

(Check only one)

I 0 to 5 days
II 6 to 10 days
III 11 to 20 days
IV 21 to 60 days
V 61 days and over

 X

Petty
Minor
Misdem.
Felony

 X

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes:

Judge:

Case No.

(Attach copy of dispositive order)

Has a complaint been filed in this matter?

(Yes or No)

 No

If yes:

Magistrate Case No.

Related Miscellaneous numbers:

Defendant(s) in federal custody as of

Defendant(s) in state custody as of

Rule 20 from the

District of

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? Yes No X

8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? Yes No X


ADAM L. SCHWARTZ
ASSISTANT UNITED STATES ATTORNEY
Court ID. No. A5501169

*Penalty Sheet(s) attached

REV 4/8/08